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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

KARIN GOLZ-BERNER, Bernd WALZEL and Leonhard ZASTROW

Application No.: 10/725,659

Group Art Unit: 1617

Filed: December 2, 2003

For: COSMETIC COMPOSITION CONTAINING ELECTRIC CARRIERS

Attorney Docket No.: 4034.003

Customer No.: 000041288

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.97 and §1.98**

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 56, Applicants hereby notify the U.S. Patent and Trademark Office of the following documents for the above-identified application. Copies of the documents set forth below and listed on the attached Form PTO-1449, except the cited U.S. Patents under 1276 Off. Gaz. Pat. Off. 55, 8/5/03, are provided herewith.

1. U.S. Patent No. 5,800,835
2. U.S. Patent No. 5,919,490
3. U.S. Patent No. 5,643,601
4. U.S. Patent No. 5,800,835
5. U.S. Patent No. 6,426,080 B1

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INFORMATION DISCLOSURE STATEMENT

ATTY DOCK: 4034.003

6. U.S. Patent No. 5,637,318
7. U.S. Patent No. 4,142,521
8. U.S. Patent Application Publication No. 2001/0027219
9. U.S. Patent Application No. 10/049,770
10. German Patent Application No. 43 25 071 A1
11. German Patent Application No. 27 57 103 A1
12. World Patent Application No. 99/18892 A1
13. World Patent Application No. 94/00098 A1
14. World Patent Application No. 95/03061 A1
15. World Patent Application No. 99/66881 A2
16. World Patent Application No. 01/26617 A1
17. World Patent Application No. 94/00109 A1

Documents 1-9 and 12 are in the English language. The relevancy of the non-English documents is discussed below.

Document 10

Document 10 was cited in the specification. Documents 1 and 2 are corresponding or in the patent family of Document 10. Also attached below are portions of an English language abstract.

The document relates to a preparation for improving the blood supply. The purpose of the invention is to provide a novel preparation for improving the blood supply in which special hard magnetic particles are used. The preparation for improving the blood supply consists of a pharmaceutically or cosmetically acceptable medium and possibly further additive containing finely distributed hard magnetic single-grade

particles with a high coercitive field intensity and grain sizes in the range of 600 to 1200 nm. Dispersions of this preparation exhibit no aggregation of the hard magnetic particles. The preferred use is in the cosmetic and dermatological field.

#### Document 11

Document 11 was cited in the German examination report. Document 7 is an English corresponding document or a patent family member of Document 11. Also attached below is an English language abstract.

The document discloses electrostatic soft tissue repair enhancement by means of a self-contained, non-invasively applied bandage arrangement comprising one or more electret elements each providing a small electrostatic field to the particular wound area. The self-contained, wafer-thin bandage may take the form of a sterile, disposable self-adhering band-aid like structure, a surgical sponge or a closely fitting article of clothing.

#### Document 13

Document 13 was cited in the specification. Document 3 is English corresponding or patent family member of Document 13. Also attached below are portions of an English language abstract.

A cosmetic is disclosed for aiding the transport of oxygen in the skin, as well as a process for preparing the same and its use. The object of the invention is to go beyond the stratum

corneum of the skin and the epiderm by penetration processes in order to increase the oxygen concentration in the corial zone and adjacent tissues and to activate the metabolic processes. For that purpose, a cosmetic with asymmetrical lamellary aggregates consists of phospholipids and an oxygen-loaded fluorocarbon compound or a fluorocarbon compound mixture. The proportion of fluorocarbon compound lies in a range for 0.2 to 100 % by weight/volume, and it is contained in an excipient appropriate for dermatological uses. This cosmetic is prepared by emulsifying its components and is used in salves, creams, lotions, liquids, alcoholic extracts, pastes, powders, gels, tinctures on or plasters and bandages, or in a spray.

#### Document 14

Document 14 was cited in the specification. Document 4 is an English language corresponding document of a patent family member of Document 14. Also attached below are portions of an English language abstract.

The document discloses the invention relates to a preparation for improving the blood supply. The purpose of the invention is to provide a novel preparation for improving the blood supply in which special hard magnetic particles are used. According to the invention, the preparation for improving the blood supply consists of a pharmaceutically or cosmetically acceptable medium and possibly further additives containing finely distributed hard magnetic single-grade particles with a high coercitive field intensity and grain sizes in the range of 600 to 1200 nm. Dispersions of this preparation exhibit no

aggregation of the hard magnetic particles. The preferred use is in the cosmetic and dermatological field.

#### Document 15

Document 15 was cited in the specification. Document 5 is an English language corresponding document or a patent family member of Document 15. Also attached below is an English language abstract.

The disclosed cosmetic preparation of active substances protects the skin in a particularly effective way against free radical aggression, both alone and in combination with other active substances. The preparation consists of a *Quebraco blanco* bark extract containing at least 90 wt.% proanthocyanidin oligmers, a silkworm extract containing the peptide cecropin, amino acids and a vitamin mixture, a non-ionic, cationic or anionic hydrogel, phospholipids and water, and may also contain further active substances such as vitamin derivatives and plant extracts of acerola, sea weed, citrus, bitter orange, cherry, papaya, tea, coffee beans, *Mimosa tenuiflora* and angelica. The preparations have protection factors against free radicals of up to 10000, and the cosmetic compositions containing these preparations have protection factors of between 40 and 200, depending on their proportion of the preparations.

#### Document 16

Document 16 was cited in the specification. Document 9 is an English language corresponding document or a patent family

member of document 16. Also attached below is an English language abstract.

The document discloses a cosmetic preparation of active substances, as such as well as in combination with other active substances, protects the skin against free radical aggression in a particularly effective manner. The preparation consists of a bark extract of quebracho blanco which contains at least 90wt. % of proanthocyanidine oligmers, a silkworm extract which contains the peptide cecropine, amino acids and a vitamin mixture, a non-ionic, cationic or anionic hydro-gel, phospholipids, a yeast disintegration product and cyclodextrines. The inventive preparation can contain additional active substances such as plant extracts of acerola, sea weed, citrus, bitter orange, cherry, papaya, tea, coffee beans, skin tree and angelica. The preparations have synergistically increased radical protection factors of up to 10,000. Cosmetic compositions containing said preparations have radical protection factors of between 40 and 4000 according to the portion of the preparation.

#### Document 17

Document 17 was cited in the specification. Document 6 is an English language corresponding document or a patent family member of Document 17. Also attached below is an English language abstract.

The document discloses a dermatological agent for aiding the transport of oxygen in the skin, as well as a process for preparing the same and its use. The problem with the known dermatological agents is the insufficient oxygen supply to the

skin and adjacent tissues. The object of the invention is thus to overcome the stratum corneum of the skin and the epiderm by penetration processes in order to increase the oxygen concentration on the corial zone and adjacent tissues and to activate the metabolic processes. For that purpose, a dermatological agent with asymmetrical lamellary aggregates consists of phospholipids and oxygen-loaded fluorocarbon or a fluorocarbon mixture. The proportion of fluorocarbon lies in a range from 0.2 to 100 % by weight/volume, in an excipient appropriate for dermatological uses. This dermatological agent is prepared by emulsifying its components and by using it in salves, creams, lotions, liquids, alcoholic extracts, pastes, powders, gels, tinctures or on plasters and bandages, or in a spray.

U.S. PATENT APPLICATION  
SERIAL NO.: 10/725,659  
INFORMATION DISCLOSURE STATEMENT

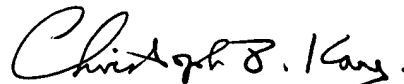
ATTY DOCK: 4034.003

The present Information Disclosure Statement is being filed after three months from the application's filing date but before the mailing date of the first Office Action on the merits, therefore no Certification Under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedated or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

Respectfully submitted,



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Dated: July 16, 2004



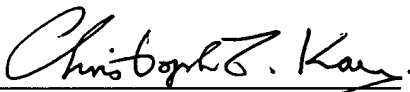
U.S. PATENT APPLICATION  
SERIAL NO.: 10/725,659  
INFORMATION DISCLOSURE STATEMENT

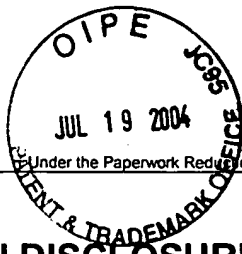
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**CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE**

I hereby certify that the foregoing INFORMATION DISCLOSURE STATEMENT Form PTO-1449, including nine (9) documents, for U.S. Application No. 10/725,659 filed December 2, 2003, were deposited in first class U.S. mail, postage prepaid, P.O. Box 1450, Alexandria, VA 22313-1450, on **July 16, 2004**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

  
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Christopher J. Kay



Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

### Complete If Known

Application Number	10/725,659
Filing Date	December 2, 2003
First Named Inventor	Golz-Berner et al.
Art Unit	1617
Examiner Name	
Attorney Docket No.	4034.003

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5,800,835	2/2/1995	Zastrow et al.	
		US-5,919,490	7/6/1999	Zastrow et al.	
		US-5,643,601	7/1/1997	Gross et al.	
		US-5,800,835	9/1/1998	Zastrow et al.	
		US-6,426,080 B1	7/30/2002	Golz-Berner et al.	
		US-5,637,318	6/10/1997	Gross et al.	
		US-4,142,521	3/6/1979	Konikoff	
		US-Pub No. 2001/0027219	10/4/2001	Holcomb	
		USSN 10/049,770		Golz-Berner et al.	
		US-			
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		US-			
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### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
	✓	German 43 25 071 A1	1/26/1995	Golz et al.		X
	✓	German 27 57 103 A1	7/6/1978	Konikoff		X
	✓	WO 99/18892 A1	4/22/1999	Cattaneo et al.		
	✓	WO 94/00098 A1	1/6/1994	Gross et al.		
	✓	WO 95/03061 A1	2/2/1995	Zastrow et al.		
	✓	WO 99/66881 A2	12/29/1999	Golz-Berner et al.		
	✓	WO 01/26617 A1	4/19/2001	Zastrow et al.		
	✓	WO 94/00109 A1	1/6/1994	Gross et al.		

### NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Internet almeda.de, Tabelle 1: Elektrische Feldstärken von Haushaltsgeräten	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.